

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Prisons Department – Request of Smt A.Bhagya, mother of Sri Manda Raju, @ Mandula Raju, Convict No.8716, Central Prison, Cherlapalli for transfer to Borstal School, Nizamabad – Rejected.

HOME (PRISONS.B) DEPARTMENT

G.O.Ms.No. 267

DATED:12-11-2008.

Read the following:-

- 1.From the III Addl. District Sessions Judge (Fast Tract Court), L.B.Nagar, Rangareddy District, Judgement, dated 20-09-2007, in SC.No.574 of 2004.
- 2.From Smt.A.Bhagya, mother of Sri Manda Raju, @ Mandula Raju, Meerpet, Rangareddy District, Representation, dated 13-09-2006.
- 3.From the Director General and Inspector General of Prisons and Correctional Services, Andhra Pradesh, Hyderabad, Letter No.13/SB2/2008, dated 10-06-2008.

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ORDER:

In the reference second read above, Smt. A.Bhagya, mother of Sri Manda Raju, @ Mandula Raju, Meerpet, Rangareddy District, has submitted a representation to the Government stating that her son Sri Manda Raju, @ Mandula Raju, was convicted by the Court of Additional Metropolitan Sessions Judge-Cum-III Additional District and Sessions Judge (Fast Track Court), L.B.Nagar, Rangareddy District, for the offence U/s 302 I.P.C., and sentenced to undergo life imprisonment and the convict was lodged in the Central Prison, Cherlapalli.

2. Smt. A.Bhagya, mother of Sri Manda Raju, has also stated that at the time of conviction by the Hon'ble Court i.e. on 20-09-2007, her son was below the age of 21 years, as his date of birth is 04-03-1997. Therefore, his son is Adolscent Offender with the provisions of A.P.Borstal Schools Act, 1925, and as such he should not be confined to the Central Prison and he has to be retained in the Borstal School. She has further stated that Government alone is competent U/s 10 (A) of the A.P.Borstal Schools Act, 1925, for transfer to Borstal School. Hence, she has requested the Government to transfer his son to the Borstal School, Nizamabad, in the interest of the justice.

3. The Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, in his letter third read above, has stated that the Superintendent, Central Prison, Cherlapalli, vide his letter, dated 28-05-2008, has forwarded the Petition of Convict No.8716, Sri Manda Raju, @ Mandula Raju, S/o Sri Narasimha Rao, requested for his transfer to Borstal School, Nizamabad. He has also stated that the Convict was sentenced to life imprisonment on 20-09-2007 and also to pay fine of Rs.1,000/- under section 302, 394, 201, 120-B IPC on the file of Hon'ble III Additional District & Sessions Judge (Fast Track Court), L.B.Nagar, Ranga Reddy District, and the Convict was admitted at Central Prison, Cherlapalli, on 20-09-2007.

P.T.O.

4. The Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, has also stated that as seen from the Community, Nativity and Date of Birth Certificates issued by the Deputy Collector and Mandal Revenue Officer, Saroor Nagar, Ranga Reddy District, the age of the convict as on the date of conviction by III Additional District & Sessions Judge, L.B.Nagar, Ranga Reddy District, ie., 20-09-2007, was 20 years, 6 months and 16 days, as the date of birth of the Convict is 04-03-1987.

5. The Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, has further stated that when the Convict in question has pleaded for mercy, the Hon'ble Court has opined that the accused has committed brutal murder of two helpless women by conspiring and dishonestly misappropriated their ornaments for wrongful gain. Therefore, the Hon'ble Court has sentenced the accused to suffer life imprisonment for the offence U/s 302 IPC. The Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, has finally stated that in view of the heinous offence committed by the said Convict, he is of the opinion that the request of the Convict, for his transfer to Borstal School deserves no consideration.

6. Government have examined the case in detail and observe that as on the date of conviction by III Additional District and Sessions Judge, L.B.Nagar, Ranga Reddy District ie., 20-09-2007, the age of the Convict viz. Sri Manda Raju, @ Mandula Raju, was 20 years, 6 months and 16 days, as the date of birth of the Convict is 04-03-1987. When pleaded for mercy for taking a lenient view, the Hon'ble Court has observed that the accused has committed brutal murder of two helpless women by conspiring and dishonestly misappropriated their ornaments for wrongful gain, and sentenced the accused to suffer life imprisonment for the offence U/s 302 IPC, for the offence U/s 394 IPC to suffer Rigorous Imprisonment for a period of 5 years each, for the offence U/s 201 IPC to suffer Simple Imprisonment for a period of 2 years each, and to suffer Rigorous Imprisonment for 2 years each for the offence U/s 120-B, but no orders were passed by the Hon'ble Court about the transfer of the Convict to Borstal School, Nizamabad. Moreover, the Director General and Inspector General of Prisons and Correctional Services, A.P., Hyderabad, has stated that in view of the heinous offence committed by the said Convict, he is of the opinion that the request of the Convict, for his transfer to Borstal School deserves no consideration.

7. Government also felt that for the heinous crime, committed in pre-mediated manner, by brutally killing the two helpless female Advocates, by taking them to a secluded place in the out skirts of Hyderabad City and killed them by stabbing along with two other accused and dishonestly misappropriated their ornaments for wrongful gain. As such, it is not at all in the advantage of the State to send the Convict to the Borstal School, where the adolscent convicts could only be influenced by mingling with him.

8. The issue of transfer of the Convict to the Borstal School may not come under the scope of "might with advantage" contained in Section 10-A of the Andhra Pradesh Borstal Schools Act, 1925, though the Convict is "Adolscent Offender" and the Convict is within the age for

transfer to Borstal School as on the date of conviction. Hence, the transfer of Sri Manda Raju, @ Mandula Raju, to Borstal School is not in the advantage of the State and of the Convicts in the Borstal School.

9. In view of the circumstances explained above, the transfer of Convict No.8716, Sri Manda Raju, @ Mandula Raju, S/o Sri Narasimha Rao, confined in Central Prison, Cherlapalli to Borstal School, Nizamabad, will not come under the scope of "might with advantage" contained in Section 10-A of the Andhra Pradesh Borstal Schools Act, 1925, and the request of Smt A.Bhagya, mother of the convict, for transfer of Convict No.8716, Sri Manda Raju, @ Mandula Raju, confined in Central Prison, Cherlapalli, to Borstal School, is hereby rejected.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**AJOYENDRA PYAL,
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Director General and Inspector General of Prisons and
Correctional Services, Andhra Pradesh, Hyderabad,

Copy to:

Smt. A.Bhagya, mother of Sri Manda Raju, @ Mandula Raju,
R/o Meerpet, Rangareddy District.

SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER